IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:13-cv-295

ECHOVIEW MILLS, LLC, LANDFAIR FARMS, LLC, and JULIE JENSEN,)
Plaintiffs,	
vs.))) ORDER
ONEPATH SYSTEMS, LLC,))
Defendant.)))

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Defendant removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, Plaintiffs allege that Echoview Mills, LLC is a Nevada limited liability company with its principal place of business located in Buncombe County, North Carolina and that Landfair Farms, LLC is a Nevada limited liability company with its principal place of business in Buncombe County, North Carolina. In the Complaint, it is further alleged that the Defendant Onepath Systems, LLC is a corporation organized under the laws of the state of Georgia, with its principal place of business in Marietta, Georgia.

Courts have an affirmative duty to question subject matter jurisdiction even

when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), certiorari denied 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c)("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Defendant has not disclosed in its Notice of Removal whether it has constituent members or partners and the addresses of such, and therefore will be required to do so. In the Complaint, the Plaintiffs Echoview Mills, LLC and Landfair Farms, LLC, has not disclosed whether they have constituent members or partners or their citizenships, and therefore will be required to do so.

ORDER

IT IS, THEREFORE, ORDERED that on or before February 15, 2014, the Plaintiffs Echoview Mills, LLC and Landfair Farms, LLC shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC's and for any such constituent members or partners that is a limited liability company or partnerships shall identify the citizenships of the respective constituent members or partners until all such

February 15, 2014, the Defendant Onepath Systems, LLC shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of Onepath Systems, LLC and for any such constituent members or partners that are limited liability companies or partnerships shall identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: January 16, 2014

Dennis L. Howell United States Magistrate Judge